

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE BROILER CHICKEN ANTITRUST
LITIGATION

THE KROGER CO., ALBERTSONS
COMPANIES, INC., HY-VEE, INC.,

Plaintiffs,

vs.

PECO FOODS, INC., *et al*,

Defendants.

Case No: 1:16-cv-08637
Judge Thomas Durkin

Individual Case No. 1:18-cv-04534

SAVE MART SUPERMARKETS,

Plaintiff,

vs.

PECO FOODS, INC., *et al*,

Defendants.

Individual Case No. 1:19-cv-02805

ASSOCIATED GROCERS OF THE SOUTH,
INC., MEIJER, INC.; MEIJER
DISTRIBUTION, INC.; OSI RESTAURANT
PARTNERS, LLC; PUBLIX SUPER
MARKETS, INC., SUPERVALU INC.,
UNIFIED GROCERS, INC., ASSOCIATED
GROCERS OF FLORIDA, INC., and
WAKEFERN FOOD CORPORATION,

Plaintiffs,

vs.

PECO FOODS, INC., *et al.*,

Defendants.

Individual Case No: 1:18-cv-04616

ORDER DISMISSING
CLAIMS WITH PREJUDICE OF PECO FOODS, INC.

The parties in the above-styled action, through counsel, stipulate to the following approval:

This Stipulation is between Plaintiffs The Kroger Co., Albertsons Companies, Inc., Hy-Vee, Inc. and Save Mart Supermarkets (collectively, the “Kroger DAPs”), Plaintiffs Associated Grocers Of The South, Inc., Meijer, Inc., Meijer Distribution, Inc., OSI Restaurant Partners, LLC, Publix Super Markets, Inc., Supervalu Inc., Unified Grocers, Inc., Associated Grocers of Florida, Inc., and Wakefern Food Corporation (collectively, the “AGS DAPs”), and Defendant Peco Foods, Inc. (“Peco”).

1. This Stipulation relates to *The Kroger Co., et al. v. Peco Foods, Inc., et al.*, Case No. 18-cv-04534, and *Save Mart Supermarkets v. Peco Foods, Inc., et al.*, Case No. 19-cv-02805 (collectively the “Kroger DAP Action”), and *Associated Grocers of the South, Inc. et al., v. Peco Foods, Inc., et al.*, Case No. 18-cv-04616 (the “AGS DAP Action”).

2. In accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Kroger DAPs, the AGS DAPs, and Peco stipulate and agree to the dismissal, with prejudice, of the Kroger DAPs’ claims and the AGS DAPs’ claims asserted against Peco in the Kroger DAP Action and the AGS DAP Action (including as set forth against Peco in the Amended DAP Consolidated Complaint, ECF No. 4244), with each side bearing their own attorneys’ fees and costs. The Stipulation of Dismissal, with prejudice, has no bearing on the Kroger DAPs’ claims or the AGS DAPs’ claims against Defendants other than Peco.

So Ordered



United States District Judge

Dated: October 8, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

David P. Germaine, certifies that on October 8, 2021 I caused a true and correct copy of the foregoing *Stipulation [and Proposed Order] Dismissing Claims with Prejudice of Peco Foods, Inc.* to be filed via CM/ECF.

/s/ David P. Germaine

David P. Germaine